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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

EZEKIEL WEBSTER,

Defendant and Appellant.

A139413

(San Mateo County
Super. Ct. No. SC077684)

Defendant pled no contest to a violation of Health and Safety Code section 11379 and admitted prior convictions. He was sentenced to four years in state prison.

Defendant filed a timely notice of appeal, and appellate counsel was appointed to represent him. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), in which he raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106, 124 (*Kelly*).) Counsel attests that defendant was advised of his right to file a supplemental brief. We have received no such brief.

We have examined the entire record in accordance with *Wende*. We conclude that no arguable issue exists on appeal and affirm.

Procedural and Factual Background

On January 24, 2013, the San Mateo County District Attorney's Office filed a felony complaint alleging that defendant had violated Health and Safety Code section 11352 (count 1), and that he had violated Health and Safety Code section 11379 (count 2). Defendant was also alleged to have had three prior convictions, a violation of Health

and Safety Code section 11351.5, a violation of Penal Code sections, 245, subdivision (a)(1), and 422.

On June 21, 2013, defendant executed a change of plea form and pleaded no contest to count 2, a violation of Health and Safety Code section 11379. In addition, defendant admitted that he had previously been convicted of a violation of Health and Safety Code section 11351.5, and a violation of Penal Code section 422. All remaining counts were dismissed pursuant to a negotiated plea.

Defendant waived his right to a probation report, and on August 2, 2013, the trial court sentenced him to the low term of two years on count 2. The trial court doubled this term pursuant to Penal Code section 1170.12, subdivision (c)(1) for a total of four years in state prison. The court awarded defendant 74 days of actual credit and 74 days of conduct credit for a total of 148 days of presentence credits. The court ordered defendant to submit blood and saliva samples, pay a \$280 restitution fine, and other miscellaneous fines. Defendant was also ordered to register as a narcotics offender.

Disposition

Defendant was at all times represented by competent counsel who ably protected his rights and interests. We find no indication in the record counsel provided ineffective assistance. There was no error in the sentencing process or the sentence. The court has reviewed the entire record in accordance with *Wende*, and finds no arguable issues requiring further briefing.

Accordingly, the judgment is affirmed.

Becton, J.*

We concur:

Margulies, Acting P.J.

Banke, J.

* Judge of the Contra Costa County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.